

### **REMARKS/ARGUMENTS**

#### ***Error in Office Action***

The Office Action lists only claim 19 as withdrawn from consideration, and does not mention claims 20-36, which are also withdrawn from consideration. The claims that are withdrawn from consideration are therefore claims 19-36.

#### ***Support for Amendment and Rejections Under 35 USC § 112***

The wording changes introduced by this amendment are all fully supported in the specification, including the section under the heading "Summary of the Invention" on page 2. No new matter is presented. The amendment fully responds to the claim rejections under 35 USC § 112.

#### ***Rejections Under 35 USC § 103***

The claim rejections under 35 USC § 103 are based on Wan et al., *J. Am. Ceram. Soc.* 86 (3): 526-28 (2003) in combination with Riedel et al., *Nature* 1996, vol. 382: 796-798. This rejection is respectfully traversed since the Wan et al. paper is not prior art under 35 USC § 103. Wan et al. is a paper published by Applicants less than one year prior to the filing date of the present application, and the three authors listed on the paper are the same three individuals listed as inventors in this patent application. The month of publication, as acknowledged by the examiner, is March 2003, while the filing date of the present application is February 6, 2004, less than ten months later. The time period between publication of the paper and the filing date was therefore less than one year, and the paper is Applicants' own paper.

Thus, to the extent that any portion of the disclosure of Wan et al. might serve as relevant prior art to the present invention, the paper itself is evidence that whatever the paper discloses was in the possession of the inventors herein and therefore not before "the invention thereof by the applicant for patent" as called for by § 102 (a), with no statutory bar. With the lack of prior art status of Wan et al., the sole citation supporting the rejections under 35 USC §

103 is the Reidel et al. paper. The Reidel et al. paper by itself does not disclose the use of either mechanical activation or an electric current in consolidating the powder mixture.

In view of the foregoing, reconsideration of the application is respectfully requested. Should any matters remain that can be resolved by a telephone conference with Applicants' attorney, the examiner is requested to telephone the undersigned at 415-576-0200.

Respectfully submitted,



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